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(54) **Immunogenic LHRH compositions and methods relating thereto**

(57) The invention relates to the use of immunogenic LHRH compositions for reducing unwanted organoleptic characteristics from the meat of male pigs by immuno-

castration, while providing production gains in the immunocastrated animals.

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DECLARATION

Application Number

which under Rule 63 of the European Patent Convention EP 10 15 4397 shall be considered, for the purposes of subsequent proceedings, as the European search report

<p>The Search Division considers that the present application, does not comply with the provisions of the EPC to such an extent that it is not possible to carry out a meaningful search into the state of the art on the basis of all claims</p> <p>Reason:</p> <p>1/ The present divisional presents two independent claims directed to a method of improving organoleptic characteristics of male pig meat while providing production gain by immunocastration; the claims only differ in the specific production gain "compared to surgical castrates and non-castrates". .-. 2/ The effects of lowering feed requirements and of increasing final weight are mentioned at page 17 of the specification, with reference to non castrates. No basis has been identified in the parent application as originally filed for measuring production gains over surgical castrates and it is not specifically mentioned that these gains specifically apply to pigs. Therefore, reference to surgically castrated animals represents added subject-matter over the parent application as originally filed (Article 76(1) EPC); the addition of a reference to non-castrates, supported by the application as originally filed, does not remedy the infringement of Article 76(1) EPC. .-. 3/ The election of these two specific "production gains" in respect of male pigs among all possible livestock represents a selection from two independent lists and also represents added subject-matter over the parent application as originally filed (Article 76(1) EPC). Example 2 is directed to pigs, example 3 to mice, example 4 to bovines and example 6 to dogs. From this, it cannot be concluded that "the vast majority of the subject-matter" of the specification relates to the vaccination of pigs, as submitted by the Applicant at</p> <p style="text-align: center;">-/--</p>	<p>CLASSIFICATION OF THE APPLICATION (IPC)</p> <p>INV. A61K39/00</p>	
<p>Place of search</p> <p>The Hague</p>	<p>Date</p> <p>3 August 2010</p>	<p>Examiner</p> <p>Teyssier, Bertrand</p>

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EPO FORM 1504 (P04F37)



DECLARATION

Application Number

which under Rule 63 of the European Patent Convention EP 10 15 4397 shall be considered, for the purposes of subsequent proceedings, as the European search report

<p>The Search Division considers that the present application, does not comply with the provisions of the EPC to such an extent that it is not possible to carry out a meaningful search into the state of the art on the basis of all claims</p> <p>Reason:</p> <p>point (5) of his reply, therefore the Search Division maintains its objection. .-. 4/ Turning to the composition itself, the specification states at page 3 that current vaccines result in variable results and that, in order to elicit an effective immune response to LHRH it is necessary to administer LHRH as a conjugate to diphtheria toxoid adsorbed to a ionic polysaccharide (page 4, lines 7-13). Thus, conjugation and combination with a ionic polysaccharide adjuvant are essential features of the invention; the omission of these essential features from the present claim represents added subject-matter over the parent application as originally filed (Article 76(1) EPC). No comment has been made on this point in the letter of reply. .-. 5/ Turning to the administration schedule, no basis in the parent application as originally filed as been filed for the features "at least two doses" and for an interval of "at least four to six weeks" between the second dose and slaughter. Both of these features represent added subject-matter over the parent application as originally filed (Article 76(1) EPC). Turning to the examples, only example 2 relates to pigs and only the reduction of boar taint is reported upon; feed requirements and weight gains are not disclosed. For the two test groups, group 1 and group 2 (group 3 being the control), the protocol is as follow: Group 1 is vaccinated twice at 14 and 18 weeks, slaughtered at week 22; group 2 is vaccinated at 14, 18 and 22 weeks, slaughtered at week 24. These -/--</p>	<p>CLASSIFICATION OF THE APPLICATION (IPC)</p>	
<p>Place of search The Hague</p>	<p>Date 3 August 2010</p>	<p>Examiner Teyssier, Bertrand</p>

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EPO FORM 1504 (P04F37)



DECLARATION

Application Number

which under Rule 63 of the European Patent Convention EP 10 15 4397 shall be considered, for the purposes of subsequent proceedings, as the European search report

<p>The Search Division considers that the present application, does not comply with the provisions of the EPC to such an extent that it is not possible to carry out a meaningful search into the state of the art on the basis of all claims</p>	<p>CLASSIFICATION OF THE APPLICATION (IPC)</p>	
<p>Reason:</p> <p>examples illustrate the use of at least two doses and of a four or six week interval between the second dose but do not allow the reader to deduce that the number of doses and/or the administration schedule as expressed in the present claims represent technical features for which protection may be sought. It is further observed that, in the case of group 2, the second dose is not the last vaccine dose. No reason is given as to why the second dose should be used as a reference time point irrespective of the number of doses administered and not, for instance, the first dose or the last dose, so the technical feature that "pigs are not slaughtered until at least 4 to 6 weeks after administration of the second dose" is definitely NOT apparent to the reader. .-. 6/ The most significant technical features of the claims which could be the subject of meaningful search are the nature of the immunogenic composition (point 4/ above) and the administration scheme and schedule (point 5/). As exposed above, in the present wording of the claims, all these features are largely or entirely tainted with infringement of Article 76(1) EPC, so that a technical search on features which are not allowable would be meaningless. Although it is legally possible for the Applicant to remedy the deficiencies under Article 76(1) EPC at a later stage of the procedure, this does not allow the Search Division to know on which specific technical features a meaningful search could be based now. Therefore the Search Division cannot but conclude that, based</p> <p style="text-align: center;">-/--</p>		
<p>Place of search The Hague</p>	<p>Date 3 August 2010</p>	<p>Examiner Teyssier, Bertrand</p>

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EPO FORM 1504 (P04F37)



DECLARATION

Application Number

which under Rule 63 of the European Patent Convention EP 10 15 4397 shall be considered, for the purposes of subsequent proceedings, as the European search report

<p>The Search Division considers that the present application, does not comply with the provisions of the EPC to such an extent that it is not possible to carry out a meaningful search into the state of the art on the basis of all claims</p> <p>Reason:</p> <p>on the present set of claims, no meaningful search is possible. The remaining features, which are of functional rather than technical nature, are also tainted with infringement of Article 76(1) EPC (points 2/, 3/). .-. 7/ The Search Division is not empowered to refuse an application, and thus the Applicant's request for oral proceedings under Article 116 EPC need not be considered. .-. The applicant's attention is drawn to the fact that a search may be carried out during examination following a declaration of no search under Rule 63 EPC, should the problems which led to the declaration being issued be overcome (see EPC Guideline C-VI, 8.2).</p>	<p>CLASSIFICATION OF THE APPLICATION (IPC)</p>	
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